

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Comment on proposed court rule amendments to codify the WSBA criminal caseload standards  
**Date:** Wednesday, September 18, 2024 11:07:15 AM

---

---

**From:** Potts, Cory <cory.Potts@kingcounty.gov>  
**Sent:** Wednesday, September 18, 2024 11:04 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment on proposed court rule amendments to codify the WSBA criminal caseload standards

**External Email Warning!** This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Hello, my name is Cory, I'm an investigator with the King County Department of Public Defense, TDA division. I started working in public defense as an investigator intern in 2008 and most recently have worked as an investigator since 2016. I have a master's degree in Criminology from the Universite Libre de Bruxelles, where I was also a Fulbright research fellow. I feel lucky to work in the public defender's office. It gives me an opportunity to work inside a system that I believe is crucial in upholding democratic values in our cities.

I've followed the news about the proposed amendments to criminal caseload standards in the state and wanted to offer a comment about why I am hopeful public defenders will see additional resources coming their way in the future.

Lawyers in my office deal primarily with the courts and with our clients. Investigators interact primarily with witnesses. As an investigator, I believe I have more opportunities to speak directly with the individuals tasked with enforcing our laws as well as the people most affected by the individuals accused of breaking our laws.

Criminal allegations tend to be generic. The prosecutor's office is empowered to present an altercation between boyfriend and girlfriend, for example, as an assault. These DV assault charges are, next to DUIs, the most common type of case I work on. My work taught me that people's lives and jobs are far, far more complex than the strict guidelines of our criminal statutes. The charges – and the police reports they are based on – seldom reflect the reality reflected in an officer's body worn video, in the statements given by police to me in interviews and the reality according to the principle figures involved in the incident. There is always more to the story than the charging papers reflect. Each couple's relationship dynamics are unique while not every police officer is trained or able to convey nuance and contradictory information in their reports.

The operation of our criminal legal system by police and prosecutors seems to be at odds with a system concerned with nuance, contradiction and complexity. Police and prosecutors in most cases leave it up to defense counsel and investigators to reveal the nuance, contradictions and complexities behind criminal charges. This is not to say that every client in my office has a strong claim to innocence. It is to say that police agencies and prosecutors tend to treat every criminal charge alike, even though every case, like every defendant, is unique.

It is left up to public defenders, who handle the overwhelming majority of criminal cases in our state, to ensure that the legal system does not offer a one-size-fits-all approach to justice. Our constitution does not protect the people's right to a well-functioning criminal justice system. It does afford every individual the right to a fair trial. Too often, police and prosecutor's equate what is "fair" with a programmatic approach to justice. The result is a system that presumes guilt and requires individuals to fight to prove their innocence.

In my opinion, public defender's offices would not need additional resources if police and prosecutors showed more willingness to link arrest and charging decisions to a thorough and thoughtful review of cases based on a theory of public safety that does not treat every alleged criminal incident as a threat to public safety.

Police and prosecutors will speak publicly about clients in my office, before any trial has occurred, as threats to public safety. At least once a month, I come across an instance where an officer has likely broken the law in their treatment of a client. I do not share the ability to speak about these cases publicly. Once brought to the attention of the prosecutor, the cases are quietly dismissed, the police officer is never called to account. It falls to public defense offices to correct these mistakes, a task that is not explicit in our job descriptions but one that nonetheless remains firmly within our purview.

Prosecutors and police have proven that on their own, they will not guarantee the fairness of our criminal justice system. In this light, adopting more manageable case load standards is a pledge to ensure the system remains fair and just.

Thank you for your consideration,

Cory Potts

*Investigator-KCDPD/TDAD*

206-477-4304

[Cory.Potts@kingcounty.gov](mailto:Cory.Potts@kingcounty.gov)